

YetterColeman LLP

June 13, 2015

Arturo A. Rivera
Case Manager to the Hon. Gregg Costa
601 Rosenberg Street
Galveston, Texas 77550

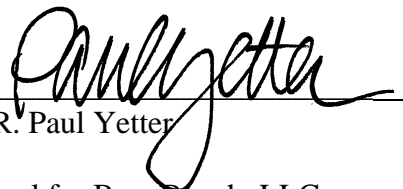
Re: *Bear Ranch, LLC v. HeartBrand Beef Inc., et al.*, No. 6:12-cv-00014; in the
United States District Court for the Southern District of Texas

Dear Mr. Rivera:

The parties respectfully request that you please allow this letter to serve as notice of relevant new authority. On June 12, 2015, the Texas Supreme Court issued its opinion in *Zorrilla v. Aypco Construction II, LLC*, 14-0067 (Tex. June 12, 2015), *available at* <http://www.txcourts.gov/media/996492/140067.pdf> and attached to this letter, which addresses one of the issues argued regarding exemplary damages, specifically, whether the statutory cap on exemplary damages in § 41.008 of the Texas Civil Practice and Remedies Code is an affirmative defense and needs to be affirmatively pleaded, or rather “applies automatically when invoked,” *id.* at 1-2, 18-23.

Cordially yours,

YETTER COLEMAN LLP

By: 
R. Paul Yetter

Counsel for Bear Ranch, LLC

VINSON & ELKINS L.L.P.

By: /s/ James A. Reeder, Jr.
James A. Reeder, Jr.

Counsel for Defendants